

### **Remarks and Arguments**

Claims 1-4, 6, 7, 9 and 10 are pending in this application.

#### **I. Double Patenting**

Claims 1-4, 7, 9 and 10 stand provisionally rejected as allegedly unpatentable over claims 1-10 and 12-18 of co-pending Application No. 11/040,691 on the ground of non-statutory obviousness-type double patenting. While disagreeing with the rejection Applicants have nonetheless decided to submit a terminal disclaimer over co-pending Application No. 11/040,691. Applicants believe the terminal disclaimer obviates the rejection and also obviates the objection to claims 6 and 9.

### **CONCLUSION**

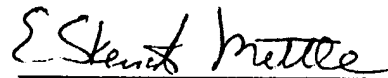
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Customer No. 22869  
Appl. No. 10/805,099  
June 29, 2009

Atty. Docket No. 099/004P  
Amendment and Response to Office Action

Please grant any extensions of time required to enter this filing and charge any additional required fees to our deposit account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Stewart Mittler", written over a horizontal line.

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